

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
BERNSTEIN, et al.,

Plaintiffs,

-v-

CIVIL ACTION NO.: 19 Civ. 7541 (ALC) (SLC)

CENGAGE LEARNING, INC.,

Defendant.

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

Pursuant to the telephonic conference held today, September 28, 2022, Plaintiffs' letter-motion requesting judicial intervention to resolve the discovery dispute regarding the adequacy of privilege logs produced by Defendant Cengage Learning, Inc. ("Cengage") is GRANTED IN PART and DENIED IN PART, as follows:

1. Cengage shall revise the privilege logs for volumes 9–12, 13, and 25–30 (the "Privilege Logs"), (see ECF Nos. 148-1 – 148-3) to:
  - a. For each category on the Privilege Logs, specify the number of communications that are:
    - i. Communications between outside counsel and Cengage employees;
    - ii. Communication between in-house counsel and Cengage employees;and
    - iii. Communications between non-attorney Cengage employees only.
  - b. Supplement the descriptions of the nature of the legal advice sought and/or provided as discussed during today's conference.

2. Cengage shall send to Plaintiffs the revised Privilege Logs for volumes 9–12, (see ECF No. 148-1), by **Wednesday, October 5, 2022**, and all remaining revised Privilege Logs by **Wednesday, October 12, 2022**.
3. Plaintiffs' request that the Court hold that Cengage has forfeited any claim of privilege is DENIED.
4. The deposition of Kim Anderson may occur on **Monday, October 3**, and **Tuesday, October 4, 2022**, despite the close of fact discovery on Monday, October 3, 2022.

Dated: New York, New York SO ORDERED.  
September 28, 2022

*Sarah L. Cave*  
SARAH L. CAVE  
United States Magistrate Judge